

**From:** [Oetker, Susan](#)  
**To:** [Jacobsen, Susan](#)  
**Subject:** Re: Conference call with Senator Udall's Office re TX Hornshell on Mon Jun 26, 2017  
**Date:** Friday, June 23, 2017 9:56:01 AM

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These look good to me. Deb initially drafted them so I assume she is okay with them as well.

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Susan Rogers Oetker  
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On Fri, Jun 23, 2017 at 11:54 AM, Jacobsen, Susan <[susan\\_jacobsen@fws.gov](mailto:susan_jacobsen@fws.gov)> wrote:  
The TPs look okay to me but can you also review. Deb Hill is out but Marty hopefully will review. Thanks

----- Forwarded message -----

From: **Willey, Seth** <[seth\\_willey@fws.gov](mailto:seth_willey@fws.gov)>  
Date: Fri, Jun 23, 2017 at 9:48 AM  
Subject: Re: Conference call with Senator Udall's Office re TX Hornshell on Mon Jun 26, 2017  
To: "Jacobsen, Susan" <[susan\\_jacobsen@fws.gov](mailto:susan_jacobsen@fws.gov)>, "Phu, Linh" <[linh\\_phu@fws.gov](mailto:linh_phu@fws.gov)>  
Cc: "Tincher, Chris" <[chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)>, Ted Koch <[ted\\_koch@fws.gov](mailto:ted_koch@fws.gov)>,  
"Devolder, Andy" <[andy\\_devolder@fws.gov](mailto:andy_devolder@fws.gov)>, Michael Porter <[michael\\_porter@fws.gov](mailto:michael_porter@fws.gov)>,  
Lesli Gray <[lesli\\_gray@fws.gov](mailto:lesli_gray@fws.gov)>, Susan Millsap <[susan\\_millsap@fws.gov](mailto:susan_millsap@fws.gov)>, Debra Hill  
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Tuegel <[Marty\\_Tuegel@fws.gov](mailto:Marty_Tuegel@fws.gov)>, Shawn Sartorius <[shawn\\_sartorius@fws.gov](mailto:shawn_sartorius@fws.gov)>, Steve  
Spangle <[Steve\\_Spangle@fws.gov](mailto:Steve_Spangle@fws.gov)>

Draft TPs attached. Please review and revise as appropriate.

Thanks,  
Seth

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Seth L. Willey  
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On Fri, Jun 23, 2017 at 8:55 AM, Jacobsen, Susan <[susan\\_jacobsen@fws.gov](mailto:susan_jacobsen@fws.gov)> wrote:  
| Hi Seth,

The attachment that is referenced for the hornshell isn't attached, but it appears to be related to the CCA/AA so I cc'd Marty on this. I also added Susan Oetker and Shawn. Let us (Susan Oetker in particular) know if you need anything further on the hornshell listing.

Spangle is lead for the MSO so I cc'd him. I'm not aware of any effort to delist the owl.

Marty may be able to help on the j mouse issue.

On Fri, Jun 23, 2017 at 8:37 AM, Willey, Seth <[seth\\_willey@fws.gov](mailto:seth_willey@fws.gov)> wrote:  
Susan & Dave (and Deb),

Can ya'll throw together some talking points on these two issues too (I don't think we need full briefing papers)? And you are available to be on the Monday call? I believe its at 12:30pm Monday?

Seth

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On Thu, Jun 22, 2017 at 6:29 PM, Tincher, Chris <[chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)> wrote:  
Thanks, Ted. Did some more digging on the jumping mouse and found another article published today and a copy of the referenced order. Sending it for your awareness.

I'm also under the impression that there is a suit against us related to a BO for the FS and timber salvage (potential impacts to Mexican owl habitat). This may or may not come up during the call. Thinking it would be good to have some background on it for Joy.

Chris

Christine R. Tincher  
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<http://www.dailyjournal.net/2017/06/22/nm-public-lands-dispute-mouse/>

**New Mexico water official moves to clarify ranchers'**

# rights

By SUSAN MONTOYA BRYAN -

6/22/17 4:38 PM

ALBUQUERQUE, N.M. — New Mexico's top water manager has fired the latest salvo in a battle with the federal government over the protection of an endangered mouse and the barring of livestock from certain streams and watering holes on national forest land.

State Engineer Tom Blaine is offering licenses to ranchers that clarify their water rights and allow them to use all sources of surface water on their grazing allotments.

Access to watering holes on the Lincoln National Forest has been an issue since federal managers began ordering closures and installing fences in the Lincoln and Santa Fe forests in 2014 after the mouse was listed as endangered. That spurred criticism that the federal government was trampling on property and water rights in New Mexico as it had in other Western states.

Forest officials have maintained that they have a responsibility under the federal Endangered Species Act to protect the jumping mouse, which is found in New Mexico, Arizona and a small portion of Colorado.

In an [order](#) issued earlier this month, Blaine recognizes livestock watering rights that are more than a century old but were not considered when the stream systems on the Lincoln National Forest were adjudicated decades ago.

“One of my top priorities is to protect the water rights of New Mexicans – including our farmers and ranchers,” Blaine said in a statement. “I’m confident that stakeholders will continue to work with my office so that we can continue responsibly protecting our natural resources and the livelihoods of our families and businesses.”

The state engineer’s office has granted only one license so far, but New Mexico ranchers say they’re encouraged.

“We are grateful that the state engineer has taken a stand to defend his jurisdiction and to protect these senior preexisting water rights from federal encroachment,” said attorney Blair Dunn, who has represented some of those fighting the U.S. Forest Service over the mouse.

Regional forest officials say they have been reviewing Blaine’s order but they have not commented on how the state’s move might affect the closures on the Lincoln forest.

According to the order, ranchers who want a license must own what are called stockwatering water rights that were established before 1907, when New Mexico’s comprehensive water code was adopted. They also must prove beneficial use through documentation of their historical ranching practices.

The jumping mouse depends on tall grass along streams and in other sections of land along rivers and streams.

In 2016, federal wildlife managers announced that nearly 22 square miles in parts of New Mexico, Arizona and Colorado would be set aside as critical habitat for the mouse, affecting the management of vegetation along 170 miles of streams throughout the region.

On Thu, Jun 22, 2017 at 5:19 PM, Ted Koch <[ted\\_koch@fws.gov](mailto:ted_koch@fws.gov)> wrote:  
| Who can speak to owls and mice?

Sent from my iPhone

On Jun 22, 2017, at 7:04 PM, Tincher, Chris <[chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)> wrote:

Thank you everyone. A revised calendar invitation reflective of time zones will

be sent out tomorrow. It would be most helpful if everyone was able to meet at the Regional Office and go over the key messages to prepare for the call in advance on Monday.

There are two additional items that are of interest to Senator Udall's Office that may come up in addition to the Texas Hornshell CCA/CCAA.

- 1) Mexican Spotted Owl - status update. Is this species being considered for delisting?
- 2) NM Meadow Jumping Mouse - see article below. Is there conflict between this species and existing water rights?

Chris

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<http://www.alamogordonews.com/story/news/2017/06/10/state-engineer-issues-order-protecting-ranchers-water-rights/386286001/>

Alamogordo Daily News – part of the USA Today Network

## State Engineer Issues Order Protecting Ranchers' Water Rights

**Daily News Report** 9:03 p.m. MT June 9, 2017

(Photo: Duane Barbati/Daily News)

SANTA FE – The New Mexico State Engineer issued an order to protect ranchers' water rights in Lincoln National Forest Friday.

The Engineer's office has begun issuing licenses pursuant to his order to ranchers that confirm the ranchers' longstanding beneficial use of water to sustain their livestock. Last year, certain watering areas were closed off in Lincoln National Forest after a potentially endangered mouse was discovered.

“One of my top priorities is to protect the water rights of New Mexicans – including our farmers and ranchers,” said State Engineer Tom Blaine. “I’m confident that stakeholders will continue to work with my office so that we can continue responsibly protecting our natural resources and the livelihoods of our families and businesses.”

Over the last several years, the State Engineer has worked to protect the rights of our farmers and ranchers. The Engineer has issued permits for off-channel watering of cattle, which allowed for cattle to access water from previously closed off areas in the Lincoln National Forest. His office also ordered an investigation into complaints about watering sources being unlawfully blocked in the Lincoln National Forest.

The order issued by the State Engineer today applies to water right owners who have maintained continuous use of surface water since before 1907 for livestock watering within the Lincoln National Forest.

Ranchers who want to obtain a license must own stock watering water rights that were established on the allotment before 1907, when New Mexico’s comprehensive water code was adopted.

Licenses issued under the order will clarify that ranchers’ water rights give them the ability to use all sources of surface water on their grazing allotment – including streams and springs – for livestock watering.

Ranchers must also prove beneficial use with documentation of their historical ranching practices.

Shortly after issuing the order, State Engineer Blaine issued the first license to the Sacramento Grazing Association operated by the Goss family.

The Licenses issued under this order will confirm longstanding beneficial uses of water and provide greater certainty to water right owners in the face of recent actions by the Lincoln National Forest to limit ranchers’ access to water for livestock.

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On Thu, Jun 22, 2017 at 2:22 PM, Devolder, Andy <[andy\\_devolder@fws.gov](mailto:andy_devolder@fws.gov)> wrote:

Dr. Tuggle is not available, however, Joy is interested in sitting in on the call and I will also be on the call. We will call in from Joy's office.

On Thu, Jun 22, 2017 at 2:11 PM, Tincher, Chris <[chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)> wrote:

That sounds good. Thank you, Ted.

I'll work with Andy to see about Benjamin and Joy's interest in this one.

Thanks,  
Chris

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On Thu, Jun 22, 2017 at 1:08 PM, Koch, Ted <[ted\\_koch@fws.gov](mailto:ted_koch@fws.gov)> wrote:

Chris-

I am not available. I propose Seth Willey and/or Linh Phu represent at the RO level. They can decide whom to include from our staff that helped draft the talking points.

Are Benjamin and/or Joy going to join?

Ted

On Thu, Jun 22, 2017 at 1:24 PM, Tincher, Chris <[chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)> wrote:

Ted,  
CLA set up a call based on Britget's availability and what worked best for the Senator's Office. The call is set for Monday, June 26, at 12:30p your time. Are you available for the call? If not, who do you want to sit in on the call? Attached is a copy of the key messages pulled together by your staff. Please let me know if you have had a chance to review these messages and have any edits.

Thank you,  
Chris

Monday, June 26  
Times EST  
2:30 - Internal Precall  
2:45 - Call with Udall Staff

Call Info:

866-802-5975

Participant: 4965500

Udall Participants:

- Stephenne Harding, DC Staff
- Beverly Allen, SENM Field Representative
- Rene Romo, Field Staff

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----- Forwarded message -----

From: Alyssa Hausman <[alyssa\\_hausman@fws.gov](mailto:alyssa_hausman@fws.gov)>  
Date: Thu, Jun 22, 2017 at 11:12 AM  
Subject: Invitation: Call w/ Udall Staff re TX Hornshell @ Mon Jun 26, 2017 11:30am - 12:30pm ([chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov))  
To: [chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov), [bridget\\_fahey@fws.gov](mailto:bridget_fahey@fws.gov), [lesli\\_gray@fws.gov](mailto:lesli_gray@fws.gov)

#### Call w/ Udall Staff re TX Hornshell

[more details »](#)

2:30 - Internal Precall  
2:45 - Call with Udall Staff

Call Info:

866-802-5975

Leader: 7941951 (Alyssa)

Participant: 4965500

Udall Participants:

- Stephenne Harding, DC Staff

- Beverly Allen, SENM Field Representative  
- Rene Romo, Field Staff

When      Mon Jun 26, 2017 11:30am – 12:30pm Mountain Time  
- Arizona

Where      866-802-5975, Participant: 4965500 ([map](#))

Video call      [https://plus.google.com/hangouts/\\_/doi.gov/alyssa-hausman](https://plus.google.com/hangouts/_/doi.gov/alyssa-hausman)

Calendar      [chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)

Who      

- [alyssa\\_hausman@fws.gov](mailto:alyssa_hausman@fws.gov) - organizer
- [bridget\\_fahey@fws.gov](mailto:bridget_fahey@fws.gov)
- [chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov)
- [lesli\\_gray@fws.gov](mailto:lesli_gray@fws.gov)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov) because you are subscribed for invitations on calendar [chris\\_tincher@fws.gov](mailto:chris_tincher@fws.gov).

To stop receiving these emails, please log in to <https://www.google.com/calendar> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#)

--  
Ted Koch

Assistant Regional Director, Ecological Services  
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